

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APIES – Sri S.Sudhir, Principal, Government Junior College, Machareddy, Nizamabad District – Appeal against the punishment of reduction of pay by 2 stages under Rule 9 (vii) of APCS (CC&A) Rules, 1991 imposed by the C.I.E.,AP. Hyderabad – Allowed – Orders – Issued.

Higher Education (IE.I) Department

G.O.Rt.No. 816

Dated:06-11-2009

Read the following:

1. From the C.I.E. Proc. in Rc.No.Ser.I.1/2378/2005, dt.11.5.2007.
2. From the C.I.E., Lr.Rc.No.1-1/2378/2005, dt.12.12.2007.
3. G.O.Rt.No.112, HE(IE.I.A1) Dept., dt.04.02.2008.
4. From Sri S.Sudhir, Principal, G.J.C., Machareddy, Nizamabad District Revision appeal dt.9.5.2008.

ORDER:

Certain adverse reports have appeared in the News Papers alleging that Sri S.Sudhir, Principal, Government Junior College, Madnoor, Nizamabad District has misused the Government funds, accepted money from Contract Junior Lecturers permitting them to work in neighboring colleges.

2. The DVEO, Nizamabad has conducted a preliminary enquiry and submitted his enquiry report during May, 2006. Based on the preliminary enquiry report Sri S.Sudhir was placed under suspension by the C.I.E., in his Procs. No.1.1/2378/2005, dt.10.8.2006. Charges have been framed against him by the C.I.E., in his Procs. dt.4.10.2006. Sri S.Sudhir has submitted his defense Written statement of Defense denying the charges framed against him.

3. The matter has been examined and orders have been issued imposing a punishment of reduction of pay by 2 stages on Sri S.Sudhir, Principal, formerly at Government Junior College, Madnoor, Nizamabad District by the C.I.E., in his Procs. 1st read above, for the misuse of budget of an amount of Rs.46,000/- in having purchased as Air Cooler and Typewriter, without the administrative sanction from the Higher authorities. Sri. S.Sudhir, has been reinstated into duty by the C.I.E., in his procs. dt.11.4.2007.

4. Aggrieved by the above orders, Sri S.Sudhir, Principal has preferred an appeal requesting to drop the charges framed against him and the punishment imposed on him as he did not misappropriate the Government funds, but, due to ignorance of Rules, he did not take the prior permission from higher authorities and also questioned the procedure followed in conducting the enquiry and imposing the punishment.

5. Government has examined the matter decided accordingly allowed partly the appeal petition of Sri S.Sudhir, Principal, revising the punishment imposed by the C.I.E., as follows:

- a) Recovery of an amount of Rs.22,251/- i.e. the cost of Almirah and Typewriter;
- b) Stoppage of one annual grade increment without cumulative effect for one year.

6. Sri S.Sudhir, Principal has again filed a Review Petition requesting to set-aside the orders of punishment imposed on him on the following grounds:-

- a) The whole disciplinary case is started with a prejudice and grudge developed by the then C.I.E, on issue of supporting orders on the transfer orders issued by the Government which he has narrated in the brief facts of the case.

P.T.O.,

- b) The preliminary enquiry report of the DVEO, Nizamabad, Sri Laxmaiah, on which the articles of charges and punishment awarded itself in correct. Since he retired from service in March, 2006. But he enquired on 26.4.2006, submitted his report on 29.6.2006. Therefore, he is neither competent to enquire and submit his report after his retirement.
- c) Therefore the disciplinary case and award of punishment is initiated by the C.I.E., to harass and victimize him.
- d) The statutory enquiry officer, DVEO, Hyderabad has enquired and submitted report on 18.1.2007. The C.I.E., has again directed to re-enquire into the matter. Therefore, it can be proved how much the disciplinary authority has developed a prejudice against him.
- e) The recovery of amount Rs.22,251/- towards the cost of Almirah and typewriter is incorrect. Since the above two items are physically available in the college and the preliminary and statutory enquiry officer has confirmed that fact. Hence, the recovery of amount on this count is incorrect. Since the College is presently utilize the said items.
- f) His appeal against the order of punishment awarded filed before the Principal Secretary is made a part and parcel of this appeal.

7. Government have further examined the matter in detail and observed that Sri S.Sudhir, Principal has purchased the said articles out of in experience without obtaining administrative sanction from the competent authority. The material purchased is physically available in the college and the enquiry officer held that no malafied intension can be attributed to the Charged Officer and that there is no Vigilance angle in the case.

8. Government therefore, decided to allow the Revision Petition under Rule 40 of APCS (CC&A) Rules, 1991 and set-a-side;

- i) The C.I.E., Procs. Rc. No. Ser.I.1/237/2006, dated:11.5.2007 wherein penalty of reduction of pay by two stages was imposed, and ;
- ii) G.O.Rt.No.112, Higher Education Department, dt.4.2.2008 wherein the original penalty was modified, in appeal to recovery of Rs.22,851/- besides imposition of penalty of stoppage of one annual grade increment without cumulative effect and drop further action against him.
- iii) The period of suspension of Sri S.Sudhir w.e.f. 10.8.2006 to 11.4.2007 shall be regulated as "**duty**" in terms of F.R. 24 (B) (2).

9. The Director of Intermediate Education, A.P. Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SURESH CHANDA
SECRETARY TO GOVERNMENT

To
The Director of Intermediate Education, A.P. Hyderabad.
The individual through D.I.E., A.P., Hyderabad.
The Accountant General of A.P., Hyderabad.
The Regional Joint Director of Intermediate Education, Warangal.
The District Treasury Officer, Warangal.
Copy to:
P.S. to M(SE)/ P.S. to Secy (SE)
Sf/Sc-1

//FORWARDED BY ORDER//

SECTION OFFICER